

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,  
INC.,**

**Plaintiff,**

**v.**

**UNIVERSITY OF NORTH CAROLINA et  
al.,**

**Defendants.**

**PLAINTIFF'S MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF  
MOTION TO COMPEL PRODUCTION  
OF APPLICANT DATA**

Plaintiff Students for Fair Admissions, Inc. ("SFFA") respectfully moves for leave to file a supplemental memorandum in support of its motion to compel defendants ("Defendants" or "UNC") to produce two years of applicant data from UNC's admissions database from the 2011-2012 and 2012-2013 admission cycles and aggregate applicant data for 2009-2010 and 2010-2011 admissions cycles. *See* Doc. Nos. 83-85, 89. The proposed supplemental memorandum and accompanying exhibits are attached to this motion. UNC consents to the filing of the supplemental memorandum and exhibits.

SFFA filed its reply brief in support of the motion compel on June 12. See Doc. No. 89. Four days later, UNC produced a document that shows that its Committee on Race-Neutral Strategies sought to obtain months ago the very same applicant data that SFFA seeks through this motion. Three days later, Dr. Abigail Panter confirmed in her deposition that the Committee on Race-Neutral Strategies has since obtained that data and is relying on it in connection with an evaluation of its admissions criteria and possible race-neutral alternatives. Dr. Panter is a Rule 30(b)(6) witness for UNC on issues pertaining to the requested data. Due to this sequence of timing, the information that UNC was relying on the requested data was not available to SFFA when it filed its motion to compel and reply brief.

For these reasons, SFFA respectfully requests that this Court grant SFFA's motion for leave to file the supplemental memorandum and exhibits.

Respectfully submitted,

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Dated: June 23, 2017

**L.R. 37.1 Certificate**

The undersigned hereby certifies that this motion was filed only after personal consultation and diligent attempts to resolve the differences. Specifically, counsel for the parties conferred about the disputed issues since June 20, 2017, including a discussion on June 22, 2017, and were unable to reach an accord or narrow their differences. Participants in the discussions included Michael Scudder and Marianne Combs for UNC and Thomas McCarthy for SFFA.

/s/ Thomas R. McCarthy  
Thomas R. McCarthy

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing pleading via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 23rd day of June, 2017.

/s/ Thomas R. McCarthy  
Thomas R. McCarthy